



PATENT
0147-0229P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Helmut ECKERT et al. Conf.: 2392
Appl. No.: 09/889,300 Group: 1642
Filed: September 13, 2001 Examiner: YAEN, C.H.
For: USE OF ANTIBODIES FOR THE VACCINATION
AGAINST CANCER

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 20, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☒ Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.
- b. ☒ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. ☒ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

b. ☐ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d. ☐ **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (*This section is not to be used with RCE's.*)
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☒ concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
- b. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- c. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- d. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

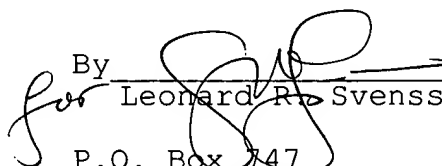
- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. This paper is submitted in triplicate.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

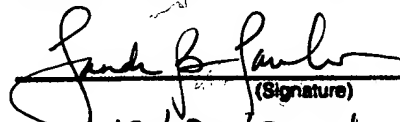
By  #47,604
for Leonard R. Svensson, #30,330
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

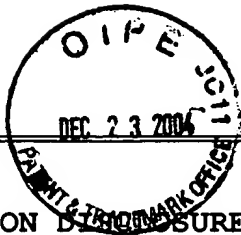
LRS/SWG/sbp
0147-0229P

Attachment(s): ☒ PTO-1449
☒ Documents
☒ Foreign Search Report
☐ Fee
☐ Other:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: December 20, 2004
(Date of Deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP


(Signature)
12/20/2004
(Date of Signature)



Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.
0147-0229PAPPLICATION NO.
09/889,300APPLICANT
ECKERT, Helmut et al.FILING DATE
September 13, 2001GROUP
1642**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US						
	US						
	US						
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FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
	WO	98 56416	A	1998-12-17	PCT				
	WO	97 15597	A	1997-05-01	PCT				
	WO	98 56419	A	1998-12-17	PCT				
	WO	99 65523	A	1999-12-23	PCT				
	WO	96 01126	A1	1996-01-18	PCT				

OTHER DOCUMENTS

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

	LEVEUGLE, B et al., "PSA-directed immunotherapy of prostate cancer", Proceeding Of the Annual Meeting of the American Association for Cancer Research, March 1998. XP002117652
	CHAKRABORTY, M et al., "Immune responses in advanced breast cancer patients treated ..." Proceedings of the Annual Meeting of the American Association for Cancer Research, US, Philadelphia, AACR, Bd. 38, 1997, 616. XP002076982
	PERVIN, S et al, "Proliferation of T-cells from colon cancer patients by peptides...", Proceedings of the Annual Meeting of the American Association for Cancer Research, US, Philadelphia, AACR, Bd. Meeting 87, 1996, 473. XP00276985
	RIETHMULLER, G et al., "Randomised trial of monoclonal antibody for adjuvant therapy...", The Lancet, Vol. 343, May 14, 1994, 1177-1183.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449		ATTY. DOCKET NO. 0147-0229P	APPLICATION NO. 09/889,300					
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	US							
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FOREIGN PATENT DOCUMENTS								
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)								
WEINER, L.M. et al. "Antibody delivery and effector cell activation in a phase II...", "Cancer Research, May 1, 1998, 48, 2568-2573.								
HERLYN, D. et al., "Immunomodulatory activity of monoclonal anti-idiotypic antibody...", "Journal of Immunotherapy, 1994, 15, 303-311.								
RAGNHAMMAR, P. et al., "Granulocyte/macrophage-colony-stimulating factor augments...", "Cancer Immunol Immunother. June 1995, 40(6), 367-75.								
RAGNHAMMAR, P et al., "Effect of monoclonal antibody 17-1A and GM-CSF in patients...", "Int. J. Cancer, 1993, 53, 751-758.								
Elias, D.J. et al., "Monoclonal antibody KS1/4-methotrexate immunoconjugate studies...", "Am J Respir Crit Care Med, 1994, Vol. 150, 1114-1122.								
EXAMINER					DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								